

TERMINAL DISCLAIMER TO OBTAIN A DOUBLE
PATENTING REJECTION OVER A PRIOR APPLICATION

Docket Number
040538

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Tsutomu Fukuda et al.

Serial No.: 10/511,272

Filed: October 20, 2004

For: METHOD FOR PRODUCING ALUMINUM TITANATE SINTERED COMPACT



Confirmation No. 5024

Group Art Unit: 1755

Examiner: Karl E. Group

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Sir:

Petitioner, Ohcera Co., Ltd., is the owner of the entire interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on co-pending Application No. 10/169,728 filed November 6, 2001 (U.S. Publication No. 2003/0015829 published January 23, 2003) titled METHOD FOR PRODUCING ALUMINUM TITANATE SINTERED OBJECT. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the co-pending applications are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the

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Serial No.: 10/511,272
Terminal Disclaimer



Second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

OHCERA CO., LTD.

May 30, 2006

Date

Tsutomu Fukuda
Signature

Tsutomu FUKUDA

Typed or printed name

President

Title (if applicable)

Terminal disclaimer fee under 37 CFR 1.20(d) is included.

PTO suggested wording for terminal disclaimer was

unchanged. _____ changed (as described in attached explanation).

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